

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 13, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

BEDROCK MASONRY, INC.;  
MONSTER CONCRETE, LLC; and the  
UNITED STATES for the benefit and  
use of Bedrock Masonry, Inc., an Idaho  
corporation, and Monster Concrete,  
LLC.,

Plaintiffs/Counter Defendants,

vs.

INNOVATIVE CONSTRUCTION &  
DESIGN, LTD, a Washington  
corporation; and BERKLEY  
INSURANCE COMPANY, a Delaware  
corporation,

Defendants/Counter Claimants.

No. 2:19-cv-00429-MKD

ORDER GRANTING STIPULATED  
MOTION TO DISMISS CLAIMS BY  
OR AGAINST MONSTER  
CONCRETE, LLC

**ECF No. 55**

Before the Court is the parties' Stipulated Motion to Dismiss All Claims By  
or Against Monster Concrete, ECF No. 55. The parties stipulate to the dismissal of  
all claims brought by Monster Concrete, LLC, against Innovative Construction &  
Design, LTD, and Berkley Insurance Company, and all counterclaims brought by  
the latter two parties against Monster Concrete, LLC, with prejudice and without

1 an award of attorneys' fees or costs to any party. Pursuant to Fed. R. Civ.  
2 P. 41(a)(1)(A)(ii), a plaintiff may dismiss an action without a court order by filing  
3 a stipulation of dismissal signed by all parties who have appeared. The stipulation  
4 is signed by all parties who have appeared.

5 Accordingly, **IT IS ORDERED:**

6 1. The parties' Stipulated Motion to Dismiss All Claims By or Against  
7 Monster Concrete, **ECF No. 55**, is **GRANTED**.

8 2. Pursuant to Rule 41(a)(1)(A)(ii) and the parties' stipulation, all claims  
9 in this matter brought by Monster Concrete, LLC, and all counterclaims in  
10 this matter brought against Monster Concrete, LLC, are **DISMISSED with**  
11 **prejudice**, without an award of fees or costs.

12 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
13 order, provide copies to counsel, and **TERMINATE Monster Concrete, LLC,**  
14 **from this action.**

15 DATED December 13, 2023.

16 *s/Mary K. Dimke*  
17 MARY K. DIMKE  
18 UNITED STATES DISTRICT JUDGE  
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